

**WASHINGTON STATE HUMAN RIGHTS COMMISSION
MEETING OF
February 21-22, 2002**

**Tacoma Rhodes Center
Vashon Room
Tacoma, WA**

MINUTES

THURSDAY, FEBRUARY 21

PARTICIPANTS

Commissioners: Rudy Vasquez (Chair); Dallas Barnes; Ellis Casson; and Charlotte Coker.

Staff: Susan (Sue) J. Jordan; Executive Director; Edmon Lee, Deputy Director; Arthur Stratton, District Manager; and Tanya Calahan, Commission Clerk.

Guests: Virginia McKinney, Jenny Acosta, Yvonne Sadler, Eddy Hayes, Gonzalo Cabballero Jr., Lee Trujillo, and Jerry Hebert, Kitsap Human Rights Network; Sally Olson and Moge Agahian, Kitsap County Council for Human Rights.

OPENING

Commissioner Vasquez welcomed the public to the meeting. He reviewed the agenda and the order of speakers. The Commissioners, staff, and audience members introduced themselves to one another.

**PIERCE COUNTY
AND KITSAP
COUNTY
UPDATE**

District Manager Arthur Stratton explained the Commission's complaint process from complaint intake to complaint closure. He then highlighted complaint statistics for Pierce and Kitsap Counties.

Over the past year, 102 complaints were filed in Pierce County and 48 were filed in Kitsap County. In Pierce County, most were in employment (75) and housing (16). Most complaints were based on race (41), disability (36), sex (25), and retaliation (16). In Kitsap County most complaints were in employment (26) and housing (4). Most complaints were based on disability (15) and race (12). Sex and retaliation were tied (nine). For both counties, 17 complaints resulted in some type of settlement. Over \$48,000 was collected for these settled complaints.

**KITSAP
HUMAN
RIGHTS
NETWORK**

Commissioner Vasquez asked for an explanation about conciliation failures. Mr. Stratton explained that when reasonable cause findings are issued, there is an attempt to conciliate the complaint. If no agreement can be reached that will accomplish the goal of eliminating and preventing a discriminatory practice, the case would be a "conciliation failure." Those cases are then forwarded to the Attorney General's (AG) office. The AG's office attempts conciliation. If that fails, the matter may be scheduled for an administrative hearing before an administrative law judge.

Jerry Hebert asked for an explanation of what a no reasonable cause (NRC) finding means. Mr. Stratton explained that a NRC finding means that the preponderance of evidence does not support a finding that discrimination occurred and that there is insufficient evidence to show that discrimination occurred.

Jerry Hebert spoke on behalf of the Kitsap Human Rights Network (KHRN). He highlighted the activities of KHRN over the past year.

KHRN received nineteen complaints over the past year. There are 14 complaints currently pending. He thanked the Commission and staff for their assistance with referring complainants to the appropriate agencies for help.

The Network has been involved in many outreach and education activities. One such activity is the "Hate Free Community Project." This involved volunteers going door to door to encourage people in the community to sign pledges. The goal was to get 50% families to declare their homes hate free and then declare their neighborhood as hate free.

KHRN continues its work to establish partnerships with the African American community. KHRN has met with the Black Ministers Association and the NAACP. Mr. Hebert thanked Commissioner Casson for his assistance with contacting these organizations. They also are working with the community to address race issues. KHRN works with Kitsap area tribes on on-going community projects.

Mr. Hebert spoke about KHRN's work with youths. He then introduced "Ganzi" Caballero, who is the youth representative. Commissioner Vasquez encouraged KHRN to continue its efforts to engage youths in Kitsap County.

**KITSAP
COUNTY
COUNCIL FOR
HUMAN RIGHTS**

Sally Olson spoke on behalf of Kitsap County Council for Human Rights (KCCHR).

KCCHR is part of Kitsap County government. The group works to educate the community on human rights issues and to encourage community involvement. They are limited in an advocacy role so they regularly refer individuals to KHRN, who can serve as an advocate for complainants. The two groups work together to address the needs of people in Kitsap County.

One outreach and training session that Ms. Olson discussed involved educating the local police about how to interact more effectively with persons with developmental disabilities. Various local police chiefs were contacted and positive responses were received about police officers attending the training. The Bainbridge Police Department sent at least one officer to the training, which was held in Portland, Oregon.

KCCHR is currently gathering information from local schools to use to develop a model plan to protect the human rights of all students in Kitsap area schools. To further address the needs of youths in the area, KCCHR is also developing a youth human rights council. An annual youth rally is held in Kitsap County. Ms. Olson will forward information to the Commission regarding the youth rally.

Commissioner Vasquez suggested that KHRN and KCCHR pull other community groups together and have a regional meeting. He also provided information regarding the Government to Government training offered by the Governor's Office of Indian Affairs. This training promotes education and understanding about the needs of Native Americans.

ADJOURNMENT

There being no further business, the meeting adjourned at 8:15 p.m.

FRIDAY, FEBRUARY 22

PARTICIPANTS: **Commissioners:** Rudy Vasquez (Chair); Ellis Casson; Charlotte Coker; and Dallas Barnes. A quorum was present.

Staff: Susan (Sue) J. Jordan, Executive Director; Edmon Lee, Deputy Director; Arthur Stratton, District Manager; Tanya Calahan, Commission Clerk; Mary Clogston, Legislative & Regulatory Coordinator; and Susan Carlson, Assistant Attorney General

Guests: John Briehl, Tacoma Human Rights and Human Services Department.

OPENING AND WELCOME

Commissioner Vasquez opened the meeting at 9:00 a.m. and welcomed everyone.

APPROVAL OF MINUTES

Commissioner Casson made a motion to approve the minutes of the January 24-25, 2002 Commission meeting. Commissioner Coker seconded the motion. MOTION CARRIED.

Commissioner Casson made a motion to approve the minutes of the January 30, 2002 Special Commission meeting. Commissioner Coker seconded the motion. MOTION CARRIED.

Executive Director Sue Jordan gave a status report of the follow up items from the January 24-25, 2002 Commission meeting.

Specialist Regina Hook is handling the Cheryl Noble v. Valley Football and Cheerleading Association case. There have been challenges with contacting respondent representatives since they are a private association and do not have an office. Commissioner Coker asked how far the Commission can go with non-compliance cases. Cases can be forwarded to the Attorney General's office for further processing. Staff will keep the Commissioners updated about this case.

Ms. Jordan spoke about the history of Commission initiated complaints. A complaint has not been issued by the Commission since the early 1990's. At that time, several complaints were initiated by the Commission regarding discriminatory advertisements in a newspaper. The Commission still has the authority to issue complaints.

Commissioner Barnes made a motion that the Commission initiate a complaint in the Gandy v. Yakima Valley Community College case. Motion was not seconded. MOTION DIED FOR LACK OF A SECOND.

APPROVAL OF CASE CLOSURES

Discussion ensued about a few cases. Commissioner Coker requested clarification regarding the Maloney v. Little Store (28ES-0484-00-1). The investigator suggested in the finding that a letter of concern be sent to Respondent. Commissioner Coker asked if such a letter should come from the Commission. District Manager Arthur Stratton explained that the normal procedure is for the District Manager to send out the letter.

Commissioner Coker then made a motion to approve the case list for the period of January 19 – February 15, 2002. Commissioner Barnes seconded the motion. MOTION CARRIED.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Sue Jordan gave an update on agency activities.

Ms. Jordan recently attended a meeting sponsored by the Association of Washington Businesses. This is a regular event sponsored by the Association during legislative sessions.

Commissioner Coker shared that she met with Jeanette Leino of the US Equal Employment Opportunity Commission (EEOC) when Ms. Leino was recently in Spokane. Commissioner Coker also participated in a fair housing roundtable discussion that was attended by Florrie Brassier of the Northwest Fair Housing Alliance. Both meetings were very productive.

Ms. Jordan highlighted two Commission cases that recently had administrative law judge decisions. The first one is the Lawrence B. Ross v. NW Territorial Mint case. The administrative law judge's preliminary decision awarded \$6000 to the complainant for humiliation and suffering. The respondent was also required to attend training.

The second case is the Teresa Bengé v. Leonardo Truck Lines. The administrative law judge granted summary judgment in favor of the respondent in the case. She is discussing appealing this case with assistant attorney general Paul Goulding. She stated that Mr. Goulding is doing a good job on litigating discrimination cases for the Commission.

The Coalition Against Bigotry and Bias (CABB) met in the afternoon on Thursday, February 21, 2002 at the Tacoma Rhodes

Center. The group discussed the draft CABB planning document and had a roundtable discussion.

Deputy Director Edmon Lee shared that the EEOC recently awarded the Commission a contract for 861 cases. This contract is for the current performance period which runs from October 1, 2001 – September 30, 2002.

2001 – 2005 STRATEGIC PLAN

Legislative and Regulatory Coordinator Mary Clogston highlighted the steps taken to develop the five initial strategic goals.

Staff feedback was requested at the October 18, 2001 all staff meeting. The Commissioners and the Management Team used those suggestions at a November 1, 2001 planning session to combine the five strategic goals into four, resulting in the current draft Strategic Plan before the Commissioners for consideration today.

Commissioner Coker made a motion to adopt the 2001 – 2005 Strategic Plan as presented to them at this meeting. Commissioner Casson seconded the motion. MOTION CARRIED. A copy of the adopted plan is attached to these minutes.

Ms. Clogston next spoke about the major strategies to implement the Strategic Plan.

There are core teams in place and about 50% of staff are represented on these core teams. She then gave examples of some of the objectives. One objective is the development of a rights and responsibility brochure for complainants.

Commissioner Barnes asked about a survey of completed cases and whether one will be used in the strategic planning process. There isn't a survey in development at this time. Ms. Clogston will be attending training on developing and using effective surveys in the near future.

Ms. Clogston provided information about the "balanced scorecard." The Governor's office has resources for agencies to assist with the balanced score card process and performance measures. The Governor's office is looking for measurable results from agencies.

NEW BUSINESS

The Commissioners discussed the February 8, 2002 memo from Commission Clerk Tanya Calahan.

In her memo, Ms. Calahan explained the process used for mailing information to the Commissioners weekly and for Commission meetings and the impact that it would have on staff if the mailing dates were pushed back.

The current process is to mail findings and other information that comes in to the Commissioners every Friday by regular mail. Packets for the Commission meetings and other necessary information for the meetings are mailed out the Friday before the Commission meeting by FED EX using the Saturday delivery option.

Ms. Calahan stated if the mailing dates were pushed back, staff would have less time to prepare information for Commission meetings and this could adversely impact the Clerk and other staff's work. The Clerk recommends that process stay as it is. The Commissioners agreed that the process of mailing information to them should stay as it is.

Commissioner Casson suggested that the Commissioners go out in the community when they have meetings around the state. They could visit community programs and schools. The Commissioners could "go to the people" instead of waiting for them to come to Commission meetings.

He also suggested that when the Commission travels around the state that they go visit the Commission's offices in a more formal manner.

Commissioner Barnes asked about the protocol for requesting information and requested clarity about the proper channels to use to request information.

Commissioner Vasquez clarified that if a Commissioner requests information from the Clerk, all Commissioners must receive carbon copies of the information if it relates to an upcoming discussion at a Commission meeting. If the information requires a group decision, all parties need to be informed. General information provided to one Commissioner does not need to be provided to all Commissioners.

He described the Commission Clerk's priorities as Commission meetings, assisting with the Coalition Against Bigotry & Bias (CABB) meetings, and the Strategic Plan.

Commissioner Barnes asked whether Commissioners should go to the Clerk or another staff member if the information pertains to them. The Clerk can either provide the requested information or suggest another route to obtain the information.

Commissioner Coker expressed concern about Commissioners going to individual investigators to ask questions about cases. If a Commissioner has a question about a case, they should contact the District Manager.

Commissioner Vasquez stated that the Clerk is accountable for her work priorities, so the Commissioners should be reasonable and allow the Clerk to adjust her work schedule and prioritize Commissioner requests for information.

Commissioner Coker suggested sending a Commission staff member to Clallam and Jefferson Counties to conduct a "Know Your Rights" seminar in that area.

Commissioner Vasquez expressed how important it is for community groups to partner with one another. The Commission has to remain neutral and can't advocate for an individual's or a community's rights. He will meet with Kitsap human rights groups and link them with CABB.

**TACOMA HUMAN
RIGHTS AND
HUMAN SERVICES
DEPARTMENT**

John Briehl spoke on behalf of the Tacoma Human Rights and Human Services Department (THRHS).

He is the new executive director for the department. He spoke about some of the challenges that they are currently facing. THRHS is dealing with a lack of visibility in the community. Efforts are underway to increase the department's visibility in the Tacoma community.

THRHS is also facing staffing challenges because of retirements and budget concerns. There is currently a hiring freeze so the positions cannot be filled at this time. There is however, one investigator position that is funded by a grant and can be filled. Qualified applicants are being sought for this position.

Mr. Briehl shared that the department is working with the City Council on developing an ordinance to add gender identity and sexual orientation as a protected class. Protection was included in a 1989 ordinance but it was repealed after six months. Public forums will be held for the current proposed ordinance. The goal is to have the proposal ready for adoption in April 2002.

The City of Tacoma held a Martin Luther King Jr. event. Deputy Director Edmon Lee commented that he attended the event and it was well received. About 3500 people attended.

Mr. Briehl explained that THRHS has 15 Commissioners appointed by the City Council. They meet once per month in study sessions and once per month in business meetings. Commissioner Vasquez requested an agenda for the next THRHS Commission meeting.

RECONSIDERATIONS

The case of Debbie Redden v. Meadowbrook Extended Care (17ED-103-00-1) is postponed to the March 29, 2002 Commission meeting because telephone technical difficulties made it difficult to hear the complainant on the telephone.

The cases of Richard Aamot Sr. v. Georgia Pacific West (37EA-0366-01-2), Thomas Chartier v. Georgia Pacific West (37EA-0355-01-2), and, Allen Pratt v. Georgia Pacific (37EAZ-0288-01-2) are postponed to the March 29, 2002 Commission meeting at the request of respondent so they can participate in person.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:00 p.m.

Respectfully submitted,



Tanya Y. Calahan
Commission Clerk

ACTION ITEMS
FEBRUARY 22, 2002 COMMISSION MEETING

1. **Item:** Send Commissioner Vasquez a copy of the next Tacoma Human Rights Commission meeting agenda.

Status: The agenda was sent to Commissioner Vasquez on March 8, 2002.
2. **Item:** Commissioner Coker suggested sending Commission staff to Clallam and Jefferson Counties to conduct "Know Your Rights" seminar in that area.

Status: Staff will provide a status report on this item at the March 29, 2002 Commission meeting.